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**WISCONSIN DEPARTMENT OF
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**PRESS RELEASE
FOR IMMEDIATE RELEASE**

MADISON . . . The Department of Regulation and Licensing announced that the following disciplinary orders were issued in October 2003.

Renee Bacon, Milwaukee – Registered Nurse. The Board of Nursing suspended and limited the license of Renee Bacon. Bacon was convicted of possession of cocaine with intent to deliver and sentenced to 84 months in prison. She was paroled in January, 2002, and remains on parole to date. Bacon currently undergoes drug screening at the time of her regularly scheduled meetings with her parole officer. After an AODA assessment, the Board suspended Ms. Bacon's license, and the suspension was stayed for a period of three months, with provision for further stays conditioned upon her complying with conditions and limitations on her license. Included among these are that she abstain from all personal use of controlled substances, alcohol, and over-the-counter medications. Bacon is also responsible for paying costs and is subject to certain monitoring requirements. [LS0212091NUR]

Marilyn Brooks, Milwaukee – Barber and Cosmetology Practitioner. The Barbering and Cosmetology Examining Board ordered Marilyn Brooks to pay a forfeiture of \$3,000. Brooks owns Changing Faces, a barbering and cosmetology establishment located in Milwaukee. As owner, Ms. Brooks was responsible for the establishment. From August 2001 to January 2002, Brooks conducted barbering and cosmetology services without a current practitioner's license. Between August 2001 and February 2002, two employees of the establishment provided barbering and cosmetology services to the public without current licenses. From November 2001 until February 2002, the establishment did not have a licensed full-time manager employed at the salon. Ms. Brooks and the establishment were also ordered to cease operations until personnel were licensed. [LS0310064BAC]

Creative Hairdressers, Inc., Sturtevant – Barbering and Cosmetology Establishment. The Barbering and Cosmetology Examining Board ordered Creative Hairdressers, Inc. to pay a forfeiture of \$2,000 following an inspection of Hair Cuttery, an establishment located in Sturtevant. Creative Hairdressers Inc. is the corporate owner of the establishment. During an inspection on or about September 20, 2002, seven of the eight workstations were not maintained in a clean and sanitary condition, an employee of the establishment was working without a credential, workstations did not contain a topical antiseptic, and there was no licensed manager of the establishment. Creative Hairdressers Inc. was also ordered to cease all business until in full compliance. [LS0310061BAC]

Judith Cundy, Beaver Dam – Certified Residential Appraiser. The Real Estate Appraisers Board reprimanded Judith Cundy, ordered her to pay partial costs of the proceeding, and provide proof to the Board that she has successfully completed 15 hours of education in USPAP Standards and Ethics. Cundy performed an appraisal of a property that was partly owned by her daughter. When performing the appraisal, Cundy failed to disclose her relationship on the appraisal report, which the Board concluded resulted in a misleading report and an assignment that Cundy should not have accepted. [LS0310155APP]

Vijaya Dasgupta, Madison – Medicine and Surgery. The Medical Examining Board found that Vijaya Dasgupta's failure to appropriately diagnose and treat the cause of a patient's chronic shoulder pain and/or to refer the patient for further evaluation and treatment fell below the minimal standards for the practice of medicine in 1997 and 1998. The board reprimanded Dasgupta and limited her license to require that she undergo an assessment performed by the University of Wisconsin Continuing Education Department and successfully complete any education program recommended based on the results of the assessment. When the assessment is complete, Dasgupta must appear before the board to address the issue of whether or not the board shall require her to obtain a professional mentor for her practice. Dasgupta was also ordered to pay \$2,000 costs. [LS0309231MED]

Harold Dykema, Eau Claire – Chiropractor. Following a hearing in June, 2002, the Chiropractic Examining Board issued a Final Decision and Order in December, 2002. Due to an irregularity in procedure, the board chair approved staying the issuance of the order pending reconsideration by the board at its next meeting. On January 8, 2003, the board entered its Order Vacating Previous Board Action and Ordering the ALJ's Decision to be the Final Decision. On January 29, 2003, the ALJ entered the board's Final Decision and Order revoking Dykema's license. In March, 2003, Dr. Dykema filed a petition for review with the Circuit Court for Eau Claire County. On July 18, 2003, the court issued its Order reversing the revocation order and remanding the decision back to the board to reconsider appropriate discipline on the basis of the two findings that were reversed and the three findings of unprofessional conduct that had been affirmed. On September 29, 2003, the Board remanded the matter to the ALJ to reconsider appropriate discipline and to determine whether to appeal the circuit court's decision. On October 20, 2003, the ALJ entered the board's Order on Remand suspending Dykema's license for a period of at least six months. Dykema used a technique in a manner that rendered it ineffective, and used a laser to perform therapy based on the theories and practice of acupuncture which constituted practice beyond the scope of chiropractic. Dykema was also ordered to pay one-half of the costs of the proceeding. [LS0105071CHI]

William Faber, Milwaukee – Medicine and Surgery. The Medical Examining Board reprimanded William Faber and limited his license. The board ordered that Faber undergo an assessment to evaluate his current abilities to practice medicine at his current practice. After providing a series of prolotherapy treatments to a patient, the patient developed pain and a fever. Faber prescribed antibiotics to the patient on two occasions without examining the patient. The board found that prescribing antibiotics without examining the patient before or shortly afterwards exposed the patient to unreasonable risk of harm by impairing the ability to accurately identify and treat the cause of the infection and fever. [LS0211222MED]

Albert Gay, Naples, FL – Certified Residential Appraiser. The Real Estate Appraisers Board ordered Albert Gay not to conduct any appraisals in Wisconsin as a Certified Appraiser and to pay partial assessment of costs. Gay agreed not to renew his Certificate of Licensure, and Certificate of Certification as a Certified Residential Appraiser, upon their expirations on December 31, 2003. [LS0305281APP]

Robert Glenn, Stratford – Real Estate Salesperson. The Real Estate Board accepted the voluntary surrender of Robert Glenn's license with a provision for reinstatement after 18 months upon such conditions as the board determines in its discretion. The board found that Glenn violated disclosure requirements. Glenn drafted a vacant land offer to purchase on behalf of two buyers for a property for which Glenn was the listing and selling broker. The offer failed to list the contingency of the buyers' need for wheelchair accessibility, a crawl space or separate storage shed. The Zoning Committee told Glenn the elevation of the lot would have to be raised, that the crawl space couldn't be built unless it was designed by an engineer to be flood proof, and that all technicalities of the requirements of the structure would have to be dealt with at the time the building permit was issued. There was no discussion regarding the building of a storage shed. After the meeting, Glenn told the buyers that everything was fine and that they would be able to obtain a building permit. Based on Glenn's assurances, the buyers agreed to close on the purchase of the lot. After closing on the lot and preparing for construction, the buyers discovered they would have to raise the elevation which would make the property inaccessible for a wheelchair, that they would have to petition for a variance in order to construct a storage shed, and the crawl space would have to be flood proofed. The buyers claimed that Glenn did not tell them about these requirements prior to closing. Glenn contended the buyers knew about the requirements for a permit before they closed, that he didn't realize how much fill would be needed and that he believed the fill could be contoured to avoid the "hill" effect. The buyers decided to purchase another home and listed the lot for re-sale at a reduced commission rate for Glenn's broker. [LS0310231REB]

Max Gygi, Woodbury, MN – Real Estate Salesperson. The Real Estate Board reprimanded Max Gygi and ordered him to pay \$500 in costs for unlicensed practice and failing to provide advice within the scope of the knowledge, skills and training required for licensing as a broker or salesperson. Gygi was not licensed in Wisconsin until February 19, 2001, but had been a real estate agent of ReMax Results located in Woodbury, MN. In November, 2000, Gygi met with a childhood friend about selling his property located in Wisconsin and explained to him that he was not licensed to sell real estate in Wisconsin but he would do what he could to help. Gygi referred his friend to Dale Strohbeen, a real estate agent licensed in Wisconsin who listed the property. During this time, Gygi was actively searching for properties in Wisconsin for potential buyers who later decided to put in an offer for the property listed by Mr. Strohbeen. Gygi referred the buyers to John Lockner, a Wisconsin licensee in order for him to draft the offer. In January, 2001, Gygi forwarded a Referral Agreement to Strohbeen for 25% of the listing commission. After Strohbeen explained to Gygi that he had already been in contact with his friend the seller and didn't feel he owed Gygi a referral fee, Gygi told Strohbeen that if he didn't sign the referral agreement he would refer his friend to another agent. Strohbeen then agreed to the terms of the Referral Agreement. [LS0310232REB]

Anthony Linn, Milwaukee – Medicine and Surgery. The Medical Examining Board ordered Anthony Linn to complete an educational program in the diagnosis and treatment of thyroid

nodules, and to pay \$750 costs to the department. Linn reviewed an ultrasound and examined a patient referred to him by the primary physician and found an enlargement of both lobes of the thyroid but did not note the size of the nodules in his records. Linn elected to treat the condition with suppression therapy for six weeks and then reevaluate. When the patient came back for reevaluation, Linn noted that the right thyroid had decreased but failed to note the size of the nodule in his records. Linn's failure to order a repeat ultrasound prevented objective evaluation of the size of the nodule by comparison with the previous ultrasound which would allow him to make the assessment that the suppression therapy had been successful. After follow up evaluations with other physicians, the thyroid was removed. By failing to adequately determine the patient's response to the suppression therapy, Linn created an unacceptable risk to the patient and delayed the use of other treatment modalities for the patient's condition. [LS0305072MED]

John Lockner, Woodbury, MN – Real Estate Salesperson. The Real Estate Board reprimanded John Lockner, ordered him to pay \$500 costs, and complete the ethical real estate practice module from the pre-licensing real estate salesperson's course within six months. Lockner failed to forward an accepted counter offer in a timely manner in order to negotiate a higher commission for himself. Lockner prepared a Buyer Agency/Tenant Representation Agreement for potential buyers, and later drafted and submitted a Residential Offer To Purchase for the property his clients wished to buy. The offer contained a provision that the seller would agree to pay a commission to the buyer's agent in the amount of 3.15% of the sale price at closing. Dale Strohbeen the listing agent informed his client that if the client agreed to the commission term, the client would pay an additional 3.15% commission instead of the MLS offered commission of 2.4%. The client did not agree to the additional commission. Dale Strohbeen then forwarded a Counter-Offer with the sellers rejecting the 3.15% commission. Lockner contacted Strohbeen and stated he obtained the signatures of the buyers on the counter offer but he wouldn't send the Counter-Offer back unless a higher commission was agreed upon by Strohbeen. In order for the transaction to progress to closing Strohbeen sent the agreement for the higher commission to Lockner and received the signed Counter-Offer. [LS0310233REB]

Lisa Marg, Appleton – Barbering and Cosmetology Practitioner. The Barbering and Cosmetology Examining Board by stipulation ordered Lisa Marg to pay a forfeiture of \$1,000 for providing services to clients from October 2001 until October 2002 without a valid license. [LS0310062BAC]

John Moes, Hastings, MN – Certified Residential Appraiser. The Real Estate Appraisers Board reprimanded John Moes for indicating on his renewal application form that he completed the required 28 hours of education, when in fact, he had only completed 15.25 hours of the education. The board ordered Moes to complete 28 hours of continuing education which shall only be applied to the credit hours Mr. Moes should have obtained during the January 1, 2000, through December 31, 2001 biennium. Moes was also ordered to pay \$500 in forfeitures and \$200 in costs. [LS0310154APP]

John Murphy, Black Earth – Chiropractor. The Chiropractic Examining Board reprimanded and limited the license of John Murphy. Murphy continued to practice after his license expired and was prohibited from renewing his license due to a tax delinquency. Murphy was ordered to pay \$250 in costs, institute a program of in-house license renewal verification in his current work

place, and to notify E.D.S. Federal of the services for which he was reimbursed when he was not licensed. [LS0310161CHI]

Karen Pearce, Elkhorn – Real Estate Salesperson. On October 23, 2003, the Real Estate Board suspended the license of Karen Pearce for one year, consisting of an initial six month suspension followed by a stay of suspension for the remaining six months. In March, 2002, Pearce was convicted of a felony for knowingly making a false statement in an application for a certificate of title. Pearce was also convicted of a misdemeanor in July, 1997, for making a fraudulent insurance claim. Pearce's license was limited to allow her to continue to work for her current employer as an unlicensed personal assistant during the initial six months of her suspension. For the last six months of her suspension, which shall be stayed as long as she is in compliance, Pearce may resume her work as a real estate salesperson for her current employer provided that she is closely supervised by a licensed broker who must be pre-approved by the Board. Pearce must also submit monthly reports from her supervising broker during the initial six months of suspension, and bi-monthly reports during the stayed portion of suspension, in addition to compliance with court ordered probation. Pearce must also complete three credit hours of continuing education from the Ethical Real Estate Practices course module within six months from the date of the order, and may not apply for a Real Estate Brokers license for a period of two years from the effective date of the order. Pearce was also ordered to pay \$1,000 costs of the investigation and prosecution. [LS0310237REB]

Sheila Pope, Oshkosh – Licensed Practical Nurse. The Board of Nursing reprimanded and limited the license of Sheila Pope. Pope witnessed a resident with a respiratory condition experience several sudden consecutive seizures. She then failed to administer the medication as directed by a physician's order, failed to confer with her supervising registered nurse regarding this decision, and also failed to inform her supervisor that the medication had been withheld. The board limited the license to require Pope to complete continuing education in standards of practice for licensed practical nurses. [LS0310031NUR]

Daniel Quirk, Grafton – Certified General Appraiser. The Real Estate Appraisers Board accepted the voluntary surrender of Daniel Quirk's license and certification. Quirk indicated on his renewal application form that he completed the required 28 hours of education, when in fact, he had only completed 8 hours of the education. Should Quirk ever reapply for his license and certification in Wisconsin, the board may, in its sole discretion, determine whether, and under what terms and conditions, these certificates may be issued. [LS0310153APP]

James Schultheis, Iron Mountain, MI – Certified General Appraiser. The Real Estate Appraisers Board limited the license and certification of James Schultheis for preparing review appraisals in 1999 and 2000 that were below USPAP standards. Schultheis is prohibited for a minimum of one year from performing Eminent Domain/Condemnation and/or commercial appraisals unless they are performed under the supervision of a Certified General Appraiser. He was also ordered to complete USPAP courses A and B, undertake Eminent Domain appraisal training, and pay \$500 in costs. [LS0310151APP]

Michelle Smith, Milwaukee – Barbering and Cosmetology Manager. The Barbering and Cosmetology Examining Board suspended the license of Michelle Smith for ten days commencing on October 16, 2003 and ordered her to pay a forfeiture of \$1,000. During an

investigation in September, 2002, Michelle's Hair & Nail Salon, an establishment owned by Smith in Milwaukee was found to be operating as a barbering and cosmetology establishment without the proper license. The investigation also noted that the establishment failed to handle disposable nail files properly. [LS0310063BAC]

Linda Trott, Chippewa Falls – Licensed Practical Nurse. The Board of Nursing reprimanded Linda Trott for reporting for duty at the Marshfield Clinic after having consumed alcohol the night before. Co-workers observed an odor of intoxicants on Trott's breath. Trott has since completed a course of treatment and remained successfully employed since the incident without any alcohol or drug related allegations. [LS0212132NUR]

Nancy Volk, Eau Claire – Registered Nurse. Following a hearing, the Board of Nursing revoked the license of Nancy Volk. In May, 1997, the Arizona State Board of Nursing revoked Volk's license for failing to comply with the conditions set forth on a previous disciplinary order. Volk was again disciplined by Arizona in January, 2003, after trying to apply for reinstatement of her license. [LS0306051NUR]

All orders are based on an agreement unless otherwise noted. For a copy of any of the above orders, call Kelly Niesen (608) 267-7215. The complete text of orders is available at the Department's website:

http://www.drl.state.wi.us/Regulation/publications/reports_of_decisions.html.